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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

FEDERAL TRADE COMMISSION,
STATE OF ARIZONA,
STATE OF CALIFORNIA,
DISTRICT OF COLUMBIA,
STATE OF ILLINOIS,
STATE OF MARYLAND,
STATE OF NEVADA,
STATE OF NEW MEXICO,
STATE OF OREGON, and
STATE OF WYOMING,
Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,
Defendants.

Case No.: 3:24-cv-00347

**DEFENDANTS' NOTICE OF FILING
UNDER SEAL CERTAIN PARTS OF
THEIR MOTION TO EXCLUDE THE
EXPERT TESTIMONY OF DR.
EDWARD FOX AND CERTAIN
ACCOMPANYING EXHIBITS**

NOTICE

Defendants are filing today a Motion to Exclude the Expert Testimony of Edward Fox. Defendants' Motion attaches certain exhibits designated under the Protective Order as Confidential or Highly Confidential or filed under seal out of an abundance of caution. Pursuant to the Protective Order ECF No. 97, Defendants hereby give notice that they shall file a public version of the Motion with redactions on pages 1, 2, 4, and 5, as well as a separate nonpublic version under seal with Exhibits 1-3.

DATED: August 14, 2024

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